

# Section 7 consultation with the Corps of Engineers



# HISTORY OF COORDINATION WITH CORPS of ENGINEERS

- Lebanon FO covered all Corps activities in Ohio River watershed in R-3.
- Within Ohio River watershed in States of OH, IN and IL
- OH portion of Ohio River adjacent to KY





Map Location



## Ohio River Valley Ecosystem

Projection of This Map  
 Projected: North State Plane Coordinate System  
 Datum: NAD83

Original Scale Projection  
 Projection: Geographic  
 Datum: GRS80



- USFS Facilities
- Major Water Bodies
- Urban Areas
- Interstate Highways
- U.S. Highways
- County Boundaries

This map was prepared under a contract to the U.S. Forest Service, Washington, D.C. by the U.S. Forest Service, Washington, D.C.

DRAFT

# Lebanon FO activities w/ Corps

- Review of permits under Section 10 of Rivers and Harbors Act of 1899
- Review of Corps' water development projects
  - E.g., Caesar Ck., E. Fk. LMR, Alum Ck., Deer Cr.
  - Key determinant: hunting/fishing man-days
  - Submit FWCA report to Corps

# Lebanon/Columbus FO Coordinate With Corps

- Began to review Corps activities in Ohio, only.
- Review of Section 404 of Clean Water Act permits becomes more important.
- Number of Corps' water development projects reduced



# Columbus FO begins to address Endangered Species

- In early 80's FWS comment letters began to include basic info about T&E species.
- First Endangered Species Coordinator (ESC) begins work in Reynoldsburg FO
  - ESC coordinated listed species updates.
  - He began to do candidate assessments
  - Dealt with newly listed LEWS

# Reynoldsburg FO kicks ESA activities in high gear with new millennium !

- ESC introduces
  - HCP's
  - SHA's
  - Correcting informal consultations
  - Formal consultations



# Individual Permits/Public Notices

- Service comments on most/all Public Notices
  - Wetlands/Streams/Mitigation
  - AND Listed species
- Good idea, if you will be applying for 404 individual permit, to contact Service early to ID any concerns
- ORAM v. 5.0 Metric 5 Special Wetlands asks: Is the wetland known to contain an individual of, or documented occurrences of federal or state-listed threatened or endangered plant or animal species?



# Nationwide Permits

- Issuance = A discretionary federal action
- While these authorize minor impacts to waters of the US, this does not necessarily mean minor impacts to listed species.
  - Eg.) Applicant seeks NWP 29, a residential development which will impact 0.2 acres of wetlands and 100 linear feet of stream, but will impact 50 acres of upland woods... What if the stream supported mussels...or the woods supported Indiana bats...or the wetlands supported Eastern prairie fringed orchids?

# Nationwide Permits

- In 1999, Corps and Service conducted nationwide programmatic consultation on NWP 29.
- This consultation instructed each Corps district to work with the Service to develop Standard Local Operating Procedures for Endangered Species (SLOPES) for NWP 29 (or revoke NWP 29, or implement regional conditions, or determine that SLOPES not necessary)

# SLOPES

- Purpose: To identify procedures necessary to ensure adequate consideration of potential impacts to listed/proposed species and designated/proposed Critical Habitat (relative to issuance of NWP 29).
- I.D. areas of concern
- I.D. procedure for coordination
- Be flexible!

# **SLOPES implementation in OH**

- Each Corps district has been informed regarding areas of concern for federally listed species.
- For ANY NWP that falls within an area of concern, the Service will be consulted.
- The Service will respond within 10 days, when possible, and will either concur with determination provided, or request additional information on listed species/habitat



# SLOPES Implementation in OH

- If Service determines that listed species/habitat occur in project area, and further consultation is warranted, Section 7 consultation proceeds as it normally would for any other type of project.

# Example of SLOPES areas of concern

- Lake Erie Islands in Western basin (due to presence of Lake Erie Watersnake)
- Within 5 miles of Cuyahoga Valley National Park (due to presence of Indiana bat)
- Within St. Joseph River Watershed (due to presence of listed mussel species)
- Any NWP application within these areas would be coordinated with Service prior to issuance

# Take Home Messages...

- Contact the Service early for listed species info if you will be applying for a Corps permit
  - You have to anyway for ORAM!
  - You'll know our recommendations to avoid/minimize impacts to listed species early, not when the Corps Public Notice comes out.
  - You won't be surprised by our comments on a NWP.